

IDAPA 37.03.09  
Negotiated Rule Making  
July 20, 2006

Negotiated Rule Making commenced on Thursday, July 20, 2006, at 9 PM MDT. This meeting was conducted using the University of Idaho's teleconferencing system, and stakeholders participated from locations in Twin Falls (one participant), Coeur d'Alene (two participants), Idaho Falls (one participant), and Boise (ten participants). The complete meeting was recorded, and is summarized below.

The Committee reviewed parts of the July 13<sup>th</sup> draft revision to IDAPA 37.03.09. Below is a brief summary.

- 37.03.09.025.01. General. The committee agreed to recognize that some wells were designed and installed by Well Drillers and other wells are designed by Professional Geologists or Professional Engineers. The responsibility for constructing the well in accordance with the rules in IDAPA 37.03.09 should be on the well designer if that individual is different from the driller. There was considerable discussion about the qualifications of individuals who are considered qualified to design a well. The group recommended that professional engineers or geologists must be truly qualified for the task.
- 37.03.09.025.02. Casing.
  - The Committee discussed adding the specification for ASTM A53 Grade steel casing.
  - The Committee agreed to add recommendations for well size based on anticipated yield and to add standards for well plumbness and alignment.
  - The Committee postponed discussion of the use of PVC casing.
- 37.03.09.025.03 Sealing of Casing. The Committee postponed discussion of revisions of seal standards until the September meeting.
- 37.03.09.025.08 and .09 Injection and Cathodic Protection Well. The Committee discussed changes in these rules. The rulemaking subcontractor agreed to develop new draft language.
- 37.03.09.025.10. Monitor Wells. The Committee discussed monitor wells and monitor well networks and agreed to add a new category, remediation well, to the definition of terms and to the standards. The rulemaking subcontractor agreed to develop new draft language. The Committee agreed to review an additional revision of this part of the rule in September.
- 37.03.07.025.12 Abandoning of Wells. The Committee agreed to postpone discussion of this part of the standard until the September meeting.
- 37.03.07.025.14. Pitless Adapters. The Committee agreed to postpone discussion of this part of the standard until the September meeting.
- 37.03.09.025.18 Disinfection and Contamination. The Committee reviewed the draft revision to this part of the standard and agreed to add language to allow use of chlorine and peroxide and to apply the standard to any person who places any object in the well. The Committee requested that the next revision

include tables for the use of disinfectants. The rulemaking subcontractor agreed to develop new draft language.

- 37.03.09.025.020. Well Screens and Intakes. The committee reviewed the draft section of the standards and requested that the next version include a definition of the maximum allowable sand or silt production in a well.
- 37.03.09.025.21 and 22. Well Development and Well Testing. The Committee reviewed these draft standards and recommended changing the proposed language from “recommend” testing and development to “require” testing and development in all wells.
- 37.03.09.035 Health Standards. The Committee reviewed the draft revisions to these standards, but did not agree on methods to drill wells closer to sources of contamination and still protect public health and the environment. The concept of vertical sealing as an alternative to horizontal offset requirements was considered a component of the sealing to be discussed in September.

The Committee identified several issues and topics that could not be addressed in revision to the Standard. Generally,

- Some type of inter-agency coordination between IDWR and IDEQ is needed to minimize costs to stakeholders regarding monitor and remediation wells. Each Department has statutory obligations to prevent waste and prevent contamination, and there are unnecessary, duplicative burdens imposed on residents of Idaho as they must simultaneously comply with each Department’s requirements regarding monitoring and remediation wells. The idea of a Memorandum of Understanding (MOU) was discussed.
- The challenge of well ownership was discussed. Well Drillers install a well for a property owner, and when complete, the well owner becomes responsible for maintenance of the well to prevent waste and contamination. But, there is no formal process to educate the new well owner on his responsibilities. Well Drillers did not wish to be responsible for educating the new owner, and there was no mechanism for IDWR or the District Health Department to formally educate the new well’s owner of the owner’s responsibilities. There was some discussion on having a brochure provided to owners of well permits.
- The issue of setback distances of wells from various sources of contamination was discussed again. Some stakeholders, especially well drillers, believe that IDWR and the District Health Department should develop some coordination to allow siting of wells and waiver of various distances based on well construction.

#### Action Items:

- Submit ideal well construction diagrams to John Carlson by September 1, 2006
- Submit proposed rule draft suggestions or changes to John Carlson by September 1, 2006

- Rulemaking subcontractor will post revisions to strawman rules posted by September 4, 2006

Next meeting and schedule. The next meeting is currently scheduled for Saturday September 23, 2006 using the University of Idaho video conferencing facilities. Though it was not discussed at the July 20<sup>th</sup> meeting,, this date and time may change, because IDWR currently investigating alternative video meeting systems that can be hosted at IDWR regional offices.

September Meeting Agenda:

- Review the revisions to the draft standard that the Committee recommended in the July 20 meeting.
- Discuss revisions to Well Abandonment, Pitless Adapters, and PVC Casing.
- Review proposed revisions to 37.03.09.025.03 Sealing of Casing based on wells installed in various Areas of Geologic Conditions.